

House Engrossed

**FILED**

**KEN BENNETT**

**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 139

# **HOUSE BILL 2318**

AN ACT

AMENDING SECTION 6-126, ARIZONA REVISED STATUTES; AMENDING TITLE 6, CHAPTER 9, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 6-949; RELATING TO MORTGAGE BANKERS AND LOAN ORIGINATORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 6-126, Arizona Revised Statutes, is amended to  
3 read:

4 6-126. Application fees for financial institutions and  
5 enterprises

6 A. The following nonrefundable fees are payable to the department with  
7 the filing of the following applications:

8 1. To apply for a banking permit, ten thousand dollars.

9 2. To apply for an amendment to a banking or savings and loan  
10 association permit, one thousand dollars.

11 3. To establish each banking branch office, one thousand five hundred  
12 dollars.

13 4. To move a banking office to other than an established office of a  
14 bank, one thousand dollars.

15 5. To apply for a savings and loan association permit, ten thousand  
16 dollars.

17 6. To establish each savings and loan association branch office, one  
18 thousand five hundred dollars.

19 7. To move an office of a savings and loan association to other than  
20 an established office, one thousand dollars.

21 8. To organize and establish a credit union, one hundred dollars.

22 9. To establish each credit union branch or credit union freestanding  
23 automated teller machine or to move a credit union office to other than an  
24 established office of a credit union, two hundred fifty dollars.

25 10. To organize and establish any other financial institutions for  
26 which an application or investigation fee is not otherwise provided by law,  
27 two thousand five hundred dollars.

28 11. To acquire control of a financial institution, other than a  
29 consumer lender, five thousand dollars.

30 12. To apply for a trust company license, five thousand dollars.

31 13. To apply for a commercial mortgage banker, mortgage banker, escrow  
32 agent or consumer lender license, one thousand five hundred dollars.

33 14. To apply for a mortgage broker, sales finance company or debt  
34 management company license, eight hundred dollars.

35 15. To apply for a collection agency license, one thousand five hundred  
36 dollars.

37 16. To apply for a deferred presentment company license, one thousand  
38 dollars.

39 17. To apply for a motor vehicle dealer license, three hundred dollars.

40 18. To apply for a branch office of an escrow agent, consumer lender,  
41 commercial mortgage banker, mortgage banker, trust company, money  
42 transmitter, collection agency or deferred presentment company, five hundred  
43 dollars.

44 19. To apply for a branch office of a mortgage broker, debt management  
45 company or sales finance company, two hundred fifty dollars.

1       20. To apply for approval of the articles of incorporation of a  
2 business development corporation, five hundred dollars.

3       21. To establish each freestanding automated teller machine, not  
4 otherwise provided by law, five hundred dollars.

5       22. To apply for approval for the merger or consolidation of two or  
6 more financial institutions, five thousand dollars per institution.

7       23. To apply for approval to convert from a national bank or federal  
8 savings and loan charter to a state chartered institution, five thousand  
9 dollars.

10      24. To apply for approval to convert from a federal credit union to a  
11 state chartered credit union, one thousand dollars.

12      25. To apply for approval to merge or consolidate two or more credit  
13 unions, five hundred dollars per credit union.

14      26. To move an established office of an enterprise to other than an  
15 established office, fifty dollars.

16      27. To issue a duplicate or replace a lost enterprise's license, one  
17 hundred dollars.

18      28. To change a responsible person on a mortgage broker's, commercial  
19 mortgage banker's or a mortgage banker's license, two hundred fifty dollars.

20      29. To change an active manager on a collection agency license or a  
21 manager of a money transmitter branch office license, two hundred fifty  
22 dollars.

23      30. To change the licensee name on a financial institution or  
24 enterprise license, two hundred fifty dollars.

25      31. To apply for a money transmitter license, one thousand five hundred  
26 dollars plus twenty-five dollars for each branch office and authorized  
27 delegate to a maximum of four thousand five hundred dollars.

28      32. To acquire control of any money transmitter or controlling person  
29 pursuant to chapter 12 of this title, two thousand five hundred dollars.

30      33. To receive the following publications:

31          (a) Quarterly bank and savings and loan statement of condition, not  
32 more than ten dollars per copy.

33          (b) Monthly summary of actions report, not more than five dollars per  
34 copy.

35          (c) A list of licensees, a monthly pending actions report and all  
36 other in-house prepared reports or listings made available to the public, not  
37 more than one dollar per page.

38      34. To apply for a loan originator license, an amount to be determined  
39 by the superintendent.

40      35. TO APPLY FOR A LOAN ORIGINATOR LICENSE TRANSFER, AN AMOUNT TO BE  
41 DETERMINED BY THE SUPERINTENDENT.

42      36. TO APPLY FOR A CONVERSION FROM A MORTGAGE BANKER LICENSE TO A  
43 MORTGAGE BROKER LICENSE, AN AMOUNT TO BE DETERMINED BY THE SUPERINTENDENT.

1           B. On issuance of a license or permit for a financial institution or  
2 enterprise, the superintendent shall collect the first year's annual  
3 assessment or renewal fee for the financial institution or enterprise  
4 prorated according to the number of quarters remaining until the date of the  
5 next annual assessment or renewal.

6           C. The following annual renewal fees shall be paid each year:

7           1. For an escrow agent, or trust company, one thousand dollars plus  
8 two hundred fifty dollars for each branch office.

9           2. For a debt management company or sales finance company, five  
10 hundred dollars plus two hundred dollars for each branch office.

11           3. For a collection agency, six hundred dollars plus two hundred  
12 dollars for each branch office.

13           4. For a motor vehicle dealer, one hundred fifty dollars.

14           5. For an inactive mortgage broker, two hundred fifty dollars.

15           6. For a mortgage banker that negotiates or closes in the aggregate  
16 one hundred loans or less in the immediately preceding calendar year, seven  
17 hundred fifty dollars, and for a mortgage banker that negotiates or closes in  
18 the aggregate over one hundred loans in the immediately preceding calendar  
19 year, one thousand two hundred fifty dollars. In addition, a mortgage banker  
20 shall pay two hundred fifty dollars for each branch office.

21           7. For a commercial mortgage banker, one thousand two hundred fifty  
22 dollars. In addition, a commercial mortgage banker shall pay two hundred  
23 fifty dollars for each branch office.

24           8. For a mortgage broker that negotiates or closes in the aggregate  
25 fifty loans or less in the immediately preceding calendar year, two hundred  
26 fifty dollars and for a mortgage broker that negotiates or closes in the  
27 aggregate more than fifty loans in the immediately preceding calendar year,  
28 five hundred dollars. In addition, a mortgage broker shall pay two hundred  
29 dollars for each branch office.

30           9. For a consumer lender, one thousand dollars plus two hundred  
31 dollars for each branch office.

32           10. For a money transmitter, five hundred dollars plus twenty-five  
33 dollars for each branch office and each authorized delegate to a maximum of  
34 two thousand five hundred dollars.

35           11. For a deferred presentment company, four hundred dollars. In  
36 addition, a deferred presentment company shall pay two hundred dollars for  
37 each branch office.

38           12. For a loan originator, an amount to be determined by the  
39 superintendent.

40           13. For an inactive status loan originator, an amount to be determined  
41 by the superintendent.

42           ~~14. For a loan originator license transfer, an amount to be determined~~  
43 ~~by the superintendent.~~

1 D. The license, renewal or branch office permit fee for a premium  
2 finance company for each calendar year or part thereof shall not be less than  
3 one hundred dollars or more than three hundred dollars as set by the  
4 superintendent. If the license is issued or the branch office is opened  
5 after June 30 in any year, the fees shall not be less than fifty dollars or  
6 more than one hundred fifty dollars for that year.

7 Sec. 2. Title 6, chapter 9, article 2, Arizona Revised Statutes, is  
8 amended by adding section 6-949, to read:

9 6-949. Conversion to mortgage broker license

10 NOTWITHSTANDING ANY OTHER LAW, A LICENSEE WHO FUNDS IN THE AGGREGATE  
11 ONE HUNDRED FIFTY OR FEWER LOANS IN THE IMMEDIATELY PRECEDING CALENDAR YEAR  
12 MAY APPLY AT THE TIME OF LICENSE RENEWAL TO THE DEPARTMENT FOR A CONVERSION  
13 TO A MORTGAGE BROKER LICENSE ISSUED PURSUANT TO ARTICLE 1 OF THIS CHAPTER.  
14 THE CONVERSION APPLICATION SHALL BE IN A MANNER PRESCRIBED BY THE  
15 SUPERINTENDENT BY RULE. THE APPROVAL OF THE CONVERSION IS AT THE DISCRETION  
16 OF THE SUPERINTENDENT.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.